

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Letters Patent of:
John C. Harvey *et al.*

Patent No.: 7,761,890

Issued: July 20, 2010

For: SIGNAL PROCESSING APPARATUS AND
METHODS

Commissioner for Patents
Office of Patent Publication
Attention: Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 C.F.R. §1.322

Dear Sir:

Upon reviewing the above-identified patent, Patentee noted typographical errors which should be corrected. The claims of the issued patent do not reflect the Examiner's Amendment contained in the Ex Parte Quayle Action mailed on November 10, 2009. A copy of this mailing is attached as Exhibit A.

In claim 1, column 286, line 61, replace "setector" with "detector" and replace "instruct" with "instructs." Claim 1 was originally claim 119. On page 4 of the Examiner's Amendment, in claim 119, the Examiner correctly drafted "detector" and "instructs."

In claim 5, column 287, line 38, insert "first" between "said" and "signal." Claim 5 was originally claim 123. On page 6 of the Examiner's Amendment, in claim 123, the Examiner correctly included "first" to make the phrase "said first signal."

In claim 7, column 288, line 6, replace "originating" with "originaion;" line 9, insert "signal" between "second" and "from;" and line 16, insert "second" between "said" and "signal." Claim 7 was originally claim 125. On page 7 of the Examiner's Amendment, in claim 125, the Examiner correctly included "origination," "second signal from," and "said second signal."

In claim 9, column 288, line 41, insert "said" between "wherein" and "programming."
Claim 9 was originally claim 127. On page 8 of the Examiner's Amendment, in claim 127, the Examiner correctly included "wherein said programming."

Applicants did not make the aforementioned errors. The claims were last amended via an Examiner's Amendment contained in the Ex Parte Quayle Action mailed on November 10, 2009. The applicants authorized the changes on November 3, 2009, via telephone interview. A copy of the Ex Parte Quayle Action mailing is attached as Exhibit A.

No further amendments were submitted by Patentee or issued by the Examiner. Patent 7,761,890 issued on July 20, 2010, and contains the aforementioned typographical errors not contained in the Examiner's Amendment.

Accordingly, Applicants believe that the aforementioned errors were caused by the Office and that no fee is due for the Certificate of Correction. However, if any fees are required, the Director is hereby authorized to charge any fees to our Deposit Account No. 50-4494.

Transmitted herewith is a proposed Certificate of Correction effecting such amendment. Patentee respectfully solicits the granting of the requested Certificate of Correction.

Dated: December XX, 2010

Respectfully submitted,

By /Thomas J. Scott, Jr./
Thomas J. Scott, Jr.

Registration No.: 27,836
GOODWIN PROCTER LLP
901 New York Avenue, NW
Washington, DC 20001
(202) 346-4000
Attorney for Patentee

EXHIBIT A.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Assistant COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22301-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/477,805	06/07/1995	CHRISTOPHER J. HARVEY	5634.197	6442
76/833 7506 13/10/2999				
GOODWIN PROCTER LLP 901 NEW YORK AVENUE, N.W. WASHINGTON, DC 20001				
EXAMINER PARK, CHAN S				
ART UNIT 3625		PAPER NUMBER		
NOTIFICATION DATE 11/10/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

AAAlpha-Kpetewama@goodwinprocter.com
patentdc@goodwinprocter.com
finckee@goodwinprocter.com

Interview Summary

Application No.

08/477,805

Applicant(s)

HARVEY ET AL.

Examiner

CHAN S. PARK

Art Unit

2625

All participants (applicant, applicant's representative, PTO personnel):

(1) CHAN S. PARK.(3) Carl Benson.(2) Thomas J. Scott (Reg. No. 27,836).

(4) _____.

Date of Interview: 03 November 2009.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____.

Claim(s) discussed: 97, 98, 100, 102 and 103.

Identification of prior art discussed: Kruger (US 4,488,179) & Cox (US 4,388,645).

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The applicant agreed to cancel claims 97, 98, 100, 102 and 103. The applicant stated that these claims would be presented again in the "B case". Furthermore, authorization for the examiner's amendment was given.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

/CHAN S PARK/
Primary Examiner, Art Unit 2625

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR § 1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiner's Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted.
- 2) an identification of the claims discussed.
- 3) an identification of the specific prior art discussed.
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner.
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner.
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Office Action Summary

Application No.

08/477,805

Applicant(s)

HARVEY ET AL

Examiner

CHAN S. PARK

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 119-130 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 119-130 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date 11/3/09
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

EX PARTE QUAYLE

1. This application is in condition for allowance except for the following formal matters: Administrative Requirement as set forth below.

Prosecution on the merits is closed in accordance with the practice under Ex parte Quayle, 25 USPQ 74,453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

2. As the application has closed on the merits, applicant is now required to make the submission to comply with the Administrative Requirement as followed: Applicants' compliance will take the form of one of the following actions:

(1) filing terminal disclaimers in each of the related co-pending applications terminally disclaiming each of the other co-pending applications;

(2) providing an affidavit attesting to the fact that all claims in the co-pending applications have been reviewed by applicant and that no conflicting claims exists between the applications; or

(3) resolving all conflicts between claims in the identified co-pending applications by identifying how all the claims in the instant application are distinct and separate inventions from all the claims in the identified co-pending applications.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Thomas J. Scott (Reg. No. 27,836) on November 3, 2009.

4. The application has been amended as follows:

1-118. (Cancelled)

119. (New) A method of controlling a remote television transmitter station to communicate television program material to at least one receiver station, said remote television transmitter station including one of a broadcast and a cablecast transmitter for transmitting television programming, a plurality of selective transfer devices each operatively connected to said one of a broadcast and a cablecast transmitter for communicating said television programming, a television receiver for receiving said television programming from at least one origination transmitter station, a control signal detector, and a controller capable of controlling said at least one of said selective transfer devices, said remote television transmitter station being adapted to detect the presence of a first control signal, to control the communication of said television programming in response to said first control signal, and to deliver at said one of a

broadcast and a cablecast transmitter said television programming, said method comprising the steps of:

originating said television programming at said at least one origination transmitter station, said television programming including audio and a plurality of images to be outputted at said at least one receiver station in a predetermined sequence;

originating said first control signal and a second control signal at said at least one origination transmitter station;

originating at least one instruct signal at said at least one origination transmitter station;

storing a programming schedule at said remote television transmitter station; and
transmitting said television programming, said at least one instruct signal, said first control signal and said second control signal from said at least one origination transmitter station to said remote television transmitter station before a specific time at which said remote television transmitter station is to transmit said television programming and said at least one instruct signal;

whereby, said first control signal is detectable by said control signal detector and instructs said controller to control said at least one selective transfer device to communicate said television programming to said one of a broadcast and a cablecast transmitter by comparing said stored programming schedule with said second control signal and in accordance with the result of the comparison to thereby control communication of said television programming and said at least one instruct signal from said one of a broadcast or a cablecast transmitter to said at least one receiver station at

said specific time and said at least one instruct signal instructing said at least one receiver station to generate and output a computer generated output overlaid with said television programming at said at least one receiver station.

120. (New) The method of claim 119, wherein said first control signal includes an identifier which operates at said remote television transmitter station to identify a signal including said at least one instruct signal, said method further comprising the step of:

transmitting a second instruct signal which operates at said remote television transmitter station to communicate said first instruct signal to said one of a broadcast and a cablecast transmitter.

121. (New) The method of claim 119, wherein said specific time is a scheduled time of transmitting a signal including said at least one instruct signal and wherein said first control signal is effective at said remote television transmitter station to control at least one of said plurality of selective transfer devices at different times.

122. (New) The method of claim 119, further comprising the step of embedding said first control signal in a signal including said at least one instruct signal.

123. (New) A method of controlling a remote intermediate mass medium program transmitter station to communicate video or audio mass medium programming to a remote receiver station, said method comprising the steps of:

originating at an origination station a unit of video or audio mass medium programming;

transmitting said unit of video or audio mass medium programming, a first signal and a second signal from said origination station to an intermediate mass medium program transmitter station;

receiving at said intermediate mass medium program transmitter station said unit of video or audio mass medium programming, said first signal and said second signal;

comparing said first signal to a programming schedule stored at said intermediate mass medium program transmitter station;

retransmitting, based on the result of the comparison, said unit of video or audio mass medium programming and said second signal from said intermediate mass medium program transmitter station to a receiver station;

receiving said unit of video or audio mass medium programming and said second signal at said receiver station;

receiving and storing data at said receiver station;

generating, at said receiver station under computer control, a computer generated output based upon determining the composition of said second signal and said data stored at said receiver station; and

outputting at said receiver station a coordinated output of said video or audio mass medium programming overlaid with said computer generated output.

124. (New) The method of claim 123, wherein said unit of video or audio mass medium programming comprises television programming, said television programming including an audio portion and a portion of video.

125. (New) A method of controlling an intermediate transmitter station to communicate television programming to a receiver station, said method comprising said steps of:

originating said television programming at an origination station;

transmitting said television programming, a first signal and a second signal from said origination station to said intermediate transmitter station;

storing a programming schedule at said intermediate transmitter station;

receiving at said intermediate transmitter station said television programming, said first signal and said second signal;

detecting said first signal and said second signal;

comparing said first signal to said stored programming schedule at said intermediate transmitter station;

transmitting said television programming and said second signal from said intermediate transmitter station to said receiver station based on the result of the comparison;

receiving at said receiver station said transmitted television programming and said second signal;

outputting on an output device at said receiver station said received television programming;

receiving and storing data at said receiver station;

generating, under computer control and based upon determining the composition of said stored data and said second signal, a computer generated output at said receiver station; and

outputting, on said output device, a coordinated delivery comprising said television programming overlaid with said computer generated output.

126. (New) The method of claim 125, wherein said step of comparing comprises comparing said first signal to said stored programming schedule; said first signal comprising a first identification signal identifying said television programming; said programming schedule comprising a second identification signal, a transmission time and a transmission channel for transmitting said television programming.

127. (New) The method of claim 126, wherein said programming schedule further comprises a designated time and a designated channel for said intermediate transmitter station to receive said television programming from said origination station.

128. (New) The method of claim 126, wherein said step of transmitting said television programming from said intermediate transmitter station comprises transmitting said television programming and said second signal from said intermediate transmitter station to said receiver station at said transmission time and on said transmission channel, according to said programming schedule based the result of the comparison.

129. (New) The method of claim 125, wherein said computer generated output is user specific.

130. (New) The method of claim 125, wherein one of said first signal and said second signal is embedded in said television programming.

ALLOWANCE

Allowable Subject Matter

5. **Claims 119-130** are allowed. These claims will be renumbered as 1-12.
6. The following is an examiner's statement of reasons for allowance:

Independent claims 119, 123 and 125 define a method for transmitting, from an origination station, video, audio or television programming along with first and second control signals for controlling an intermediate station and a receiver station. The claims distinguish over the prior art in that the first control signal is compared with the stored programming schedule for determining the retransmission of the programming and the second control signal from the intermediate station to the receiver station, wherein the receiver station generates and outputs a computer generated output overlaid with the programming based upon determining the composition of the second control signal.

The most relevant prior art Cox (US 4,388,645) teaches the method of transmitting teletext programming along with control signal for controlling the intermediate station for the retransmitting the programming to the receiver station. However, Cox does not teach the applicant's claimed combination of comparing, generating and outputting steps.

The features identified, in combination with other claim limitations, are neither suggested nor discussed by the prior art of record.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S. PARK whose telephone number is (571)272-7409. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHAN S PARK/
Primary Examiner, Art Unit 2625

November 5, 2009

Index of Claims 	Application/Control No. 08477805	Applicant(s)/Patent Under Reexamination HARVEY ET AL.
	Examiner CHAN S PARK	Art Unit 2625

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant			<input type="checkbox"/> CPA			<input type="checkbox"/> T.D.			<input type="checkbox"/> R.1.47		
CLAIM			DATE								
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CLAIM			DATE												
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1	119	=													
2	120	=													
3	121	=													
4	122	=													
5	123	=													
6	124	=													
7	125	=													
8	126	=													
9	127	=													
10	128	=													
11	129	=													
12	130	=													

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : 7,761,890
APPLICATION NO. : 08/477,805
ISSUE DATE : July 20, 2010
INVENTOR(S) : John C. Harvey, et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In claim 1, column 286, line 61, replace "selector" with --detector-- and replace "instruct" with --instructs--

In claim 5, column 287, line 38, insert --first-- between "said" and "signal"

In claim 7, column 288, line 6, replace "originating" with --origination--;

line 9, insert --signal-- between "second" and "from"; and

line 16, insert --second-- between "said" and "signal"

In claim 9, column 288, line 41, insert --said-- between "wherein" and "programming"

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Goodwin Procter LLP
901 New York Avenue, NW
Washington, DC 20001

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